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In re Application of :
SHIKINA, Noriyuki et al. :
U.S. Application No.: 10/552,590 :
PCT No.: PCT/JP04/18433 :
Int. Filing Date: 03 December 2004 : DECISION
Priority Date: 05 December 2003 :
Attorney Docket No.: 00684.103077 :
For: DISPLAY APPARATUS WITH INPUT :
PEN FOR WEARABLE PC :

This is a decision on applicant's "Request to Consolidate Applications and Request to Withdraw Previously Filed Petition" filed in the United States Patent and Trademark Office on 17 April 2006.

BACKGROUND

On 03 December 2004, applicant filed international application PCT/JP04/18433, claiming a priority date of 05 December 2003. The international application was transmitted to the Office by the International Bureau on 16 June 2005. Accordingly, the thirty-month period for paying the basic national fee in the United States expires at midnight on 05 June 2006.

On 12 October 2005, applicant filed a transmittal letter for entry into the national phase in the United States, accompanied by an application data sheet, an information disclosure statement, the basic national fee and a specification titled "Electrophoretic Dispersion Liquid and Electrophoretic Display Device".

On 19 October 2005, applicant filed a second transmittal letter for entry into the national phase in the United States, accompanied by an application data sheet, an information disclosure statement, the basic national fee and a specification titled "Display Apparatus".

On 04 November 2005, applicant filed Petition For Express Abandonment to Avoid Publication Under 37 CFR 1.138(c), accompanied by the required fee.

On 17 November 2005, applicant sent a second copy of the 04 November 2005 petition by facsimile.

On 17 April 2006, applicant submitted "Request to Consolidate Applications and Request to Withdraw Previously-Filed Petition For Express Abandonment," and a postcard receipt indicating that the petition was originally filed with the Office on 24 March 2006.

On 18 April 2006, applicant filed a second request to consolidate the applications and to use the specification from the second filing.

DISCUSSION

Applicants submitted two sets of papers to enter the national stage for international application number PCT/JP04/18433. The end result for an international application designating the United States of America is a single U.S. national stage application. Therefore, the submission of two sets of national stage papers to enter the United States was improper.

For this reason, both of the filings have been consolidated into a single national stage application for PCT/JP04/18433, under the serial number 10/552,590. Application Number 10/553,625 has been cancelled. All the papers from 10/553,625 have been transferred to the file of application number 10/552,590. The additional fees for the second national filing will be refunded to deposit account no. 06-1205, as authorized.

Applicant's petition for express abandonment will not be acted upon. It was signed by an attorney who had not provided a power of attorney executed by all applicants or by the assignee. The fee for the petition under 37 CFR 1.182 will be charged to deposit account no. 06-1205, as authorized.

CONCLUSION

Applicant's petition under 37 CFR 1.182 to consolidate the applications and to disregard the petition for express abandonment is **GRANTED**.

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further national stage processing. Application number 10/553,625 has been cancelled. Applicant should use application number 10/552,590 in all future communications with the Patent and Trademark Office regarding the U.S. National stage of international application PCT/JP04/18433.



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